

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 1:12-cr-00212-TWP-TAB  
 )  
 THORNTON CARROLL, ) -05  
 )  
 Defendant. )

**REPORT AND RECOMMENDATION**

On April 20, 2023, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on December 2, 2022. [Dkt. 411.] Defendant appeared in person with his appointed counsel Joseph Cleary. The government appeared by Patrick Gibson, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Ariene Boren.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Carroll of his rights and provided him with a copy of the petition. Defendant Carroll orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Carroll admitted violation nos. 1, 2, and 3. [Dkt. 411.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation No. Nature of Noncompliance**

- 1 **"The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance."**

On September 8, 19, and 28, 2022, and October 24, 2022, Mr. Carroll submitted urine samples which tested positive for amphetamine.

- 2       **"The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer."**

On November 14, 2022, Mr. Carroll left in-patient substance abuse treatment without authorization. On that date, he was instructed to return to treatment and contact his officer to confirm placement; however, to date, no contact has been made. A home visit was attempted on November 17, 2022, and special instruction was left with his roommate to make contact with his officer. As of the writing of this report, no contact has been made.

- 3       **"The defendant shall participate in a substance abuse treatment program at the direction of the probation officer, which may include no more than eight drug tests per month. The defendant shall abstain from the use of all intoxicants, including alcohol, while participating in a substance abuse treatment program. The defendant is responsible for paying a portion of the fees of substance abuse testing and/or treatment."**

On November 12, 2022, Mr. Carroll left in-patient substance abuse treatment against the recommendation of the provider, Tara Treatment Center. On November 14, 2022, Mr. Carroll was instructed to return to treatment. To date, no confirmation has been received to indicate that he has returned to any in-patient treatment program.

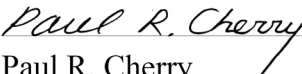
4.       The parties stipulated that:
- (a)       The highest grade of violation is a Grade B violation.
  - (b)       Defendant's criminal history category is VI.
  - (c)       The range of imprisonment applicable upon revocation of supervised release, therefore, is 21 to 27 months' imprisonment.
5.       The parties jointly recommended a sentence of twenty-one (21) months

incarceration with no supervised release to follow. Defendant requested placement at the Terre Haute Federal Correctional Institution.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 21 months with no supervised release to follow. The Magistrate Judge will make a recommendation of placement at the Federal Correctional Institution in Terre Haute, Indiana. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge. The parties on the record waived the fourteen-day period to object to the Report and Recommendation.

Date: April 20, 2023

  
Paul R. Cherry  
United States Magistrate Judge  
Southern District of Indiana

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